

Exhibit D

COPY 1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 VIOLA PLUMMER,

4 PLAINTIFF,

5 -against- Index #:
6 07 CV 6154

7 CHRISTINE QUINN, Speaker of the City Council,

8 DEFENDANT.

9 DATE: August 20, 2007

10 TIME: 10:28 a.m.

11

12 EXAMINATION BEFORE TRIAL of a Non-Party Witness, CHARLES
13 BARRON, taken by the Defendant, pursuant to Notice, held at the
14 offices of Michael A. Cardozo, Esq., Corporation Counsel, New York
15 City Law Department, 100 Church Street, New York, New York
16 10007-2601, before Shawn McCline, a Notary Public of the State of
17 New York.

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1 A P P E A R A N C E S:

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3 ROGER S. WAREHAM
4 Attorney for Plaintiff
394 Putnam Avenue
5 Brooklyn, New York 11216
BY: ROGER S. WAREHAM, ESQ.

6

7 MICHAEL A. CARDOZO, ESQ.
Corporation Counsel
8 Attorney for Defendant
100 Church Street
9 New York, New York 10007-2601
BY: PAUL MARKS, ESQ.
10 File #: 07LE021010

11

12 ALSO PRESENT:
Eric Eichenholtz, Senior Counsel, NYCLD
13 Viola Plummer, Plaintiff
Alvin Bragg, New York City Council
14 Jim Lemonedes, Assistant Corporation Counsel, NYCLD

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1 F E D E R A L S T I P U L A T I O N S

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4 IT IS HEREBY STIPULATED AND AGREED

5 by and between the counsel for the respective parties hereto, that
6 the filing, sealing, and certification of the within deposition
7 shall be and the same are hereby waived;

8

9 IT IS FURTHER STIPULATED AND AGREED

10 that all objections, except as to the form of the question, shall
11 be reserved to the times of the trial.

12

13 IT IS FURTHER STIPULATED AND AGREED

14 that the within deposition may be signed before any Notary Public
15 with the same force and effect as if signed and sworn to before
16 this court.

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1 C H A R L E S B A R R O N, called as a witness, having been
2 first duly sworn by a Notary Public of the State of New York, was
3 examined and testified as follows:

4 BY THE REPORTER:

5 Q Would you please state your name for the record?

6 A Charles Barron.

7 Q Would you please state your business address for the
8 record?

9 A 250 Broadway, New York, New York 10007.

10 EXAMINATION BY

11 MR. MARKS:

12 Q Good morning, Council Member Barron.

13 A Good morning.

14 Q My name is Paul Marks and I'm Assistant Corporation
15 Counsel in the New York City Law Department, together with
16 my colleagues Eric Eichenholtz, who is seated immediately
17 to my left, and James Lemonedes, who is seated next to Eric
18 Eichenholtz's left.

19 I represent the Defendant in the action of Plumber V
20 Quinn, the defendant speaker of the City Council, Christine
21 Quinn.

22 And Ms. Plummer has identified you in Answers to
23 some of Defendants Interrogatories in this action as having
24 knowledge of some of the factual allegations that are
25 contained in her Complaint in this action.

1 That's why we're taking your deposition.

2 First of all, would you prefer or do you have a
3 preference for me to address you as Council Member Barron,
4 Mr. Barron, either one?

5 A Future Mayor Barron. Mr. Barron is fine.

6 Q We'll go with that.

7 Now, is Mr. Wareham representing you at this
8 deposition?

9 A Yes.

10 Q Have you ever been deposed before?

11 A No.

12 Q I'm just going to go through some basic rules for
13 the deposition.

14 You have been sworn in. Your answers are under oath
15 and if there is any question that is unclear, please let me
16 know and I'll rephrase it or attempt to rephrase it.

17 After your deposition you'll have an opportunity to
18 review the transcript for any errors and make corrections.

19 And you should always give verbal answers to the
20 questions. You can't nod yes or no because the Court
21 Reporter can't take that down.

22 A Yes.

23 Q If you need to take a break at any point during the
24 deposition, let me know, we'll take a break. The only
25 request I'll make is that if there is a question pending,

1 that you not take a break at that point.

2 A Okay.

3 Q Just a couple of preliminary things.

4 Are you taking any medication that would affect your
5 ability to answer questions truthfully or accurately?

6 A No.

7 Q You're a member of the New York City Council for the
8 42nd Council District; is that correct?

9 A Yes.

10 Q When were you first elected as member?

11 A 2001.

12 Q You were re-elected in 2000 --

13 A 2003, and then again in 2005.

14 Q When does your current term end?

15 A 2009.

16 Q Obviously you know the Plaintiff who is in this
17 action, Viola Plummer?

18 A Yes.

19 Q How long have you known Ms. Plummer?

20 A For, oh, about 20, 30 years. We go back a ways.

21 Q Did there come a time when you hired Ms. Plummer as
22 your Chief of Staff?

23 A Yes.

24 Q When did you hire Ms. Plummer as you're Chief of
25 Staff; and month and year is fine?

1 A Oh, what was it? Been about a year, so I would
2 say...

3 Q September 2005 ring a bell?

4 A About that.

5 Q Did you interview Ms. Plummer in connection with the
6 Chief of Staff job?

7 A Yes.

8 Q Did you interview her on more than one occasion?

9 A I don't remember at that time.

10 Q Why did you select Ms. Plummer to be your Chief of
11 Staff?

12 A Well, because of her history in our community. She
13 has been a leader, and since I've known for over 20, 30
14 years and a national leader, a national leader, she's a
15 master organizer, a great motivator of people, and she's
16 connected to the masses of our people.

17 She has a long history in our struggle around the
18 very quality of life issues that our community responds to.

19 So in my office, we needed someone to come in and to
20 provide leadership and some growth and development for my
21 staff and to organize us to do constituency services
22 better, and then here at City Hall needed serious
23 leadership to be a part of what was going on at City Hall
24 as well.

25 So I needed an experienced person who had the

1 leadership qualities, who had the knowledge of people and
2 the system that we are dealing with, and some of the issues
3 that we are dealing with, and I couldn't have thought of a
4 better person than Viola Plummer.

5 Q Now, you may have answered this already in part, but
6 did you assign particular duties to Ms. Plummer as Chief of
7 Staff?

8 A Yes.

9 Q What are those duties?

10 A First, I wanted her to reorganize my district
11 office. And she did a fantastic job with that. To make
12 sure that we did constituency services better.

13 In our community is a community in crisis. We have,
14 like, hundreds of calls, hundreds of complaints just about
15 every day and, you know, dependent upon how you provide
16 those services that's all you will be doing. So I had my
17 staff just overworked with constituency services.

18 So Ms. Plummer did great with the constituency
19 services. She did great in helping us see our vision and
20 go beyond just constituency services, get into community
21 organizing and the vision for our office, and then working
22 with the funded programs to make sure that the funded
23 programs of that operation went smoother.

24 Then I brought her over to City Hall after a while
25 to work on legislation and some of the meetings that we

1 would have at City Hall.

2 Q Did Ms. Plummer have a prede
3 Staff?

4 A Yes, Mr. Paul Washington.

5 Q At some point Mr. Washington lei

6 A Right.

7 Q When did he leave your office?

8 A Oh, about a year before Ms. Plummer came on.

9 Q In between the time Mr. Washington left as Chief of
10 Staff and you hired Ms. Plummer as Chief of Staff, did
11 anyone serve in the Chief of Staff capacity?

12 A No.

13 Q In addition to the Chief of Staff position, do you
14 have other staff members in your office?

15 A Yes.

16 Q How many other staff members in your office do you
17 have?

18 A We have, Ms. Cooke is the Scheduler at the City Hall
19 office, and we have two part-time workers, we have
20 Ms. Simmons, Ms. Mitchell, Mr. Faulkner (phonetic) -- about
21 six, seven.

22 Q And do some of these staff members work in the
23 District Office and some work at 250 Broadway?

24 A Most of the them work in the -- Ms. Plummer and
25 Ms. Cooke was at the City Hall office and the rest was in

1 the district.

2 Q I'm going to ask you some questions about one of the
3 issues in this case is about the Speaker issue. The
4 Speaker of City Council and -- strike that.

5 The authority of the Speaker of City Council to fire
6 a member of the staff of a council member, and is it your
7 position that the Speaker of the City Council does not have
8 the authority to fire a member of the staff, of a member of
9 the City Council?

10 A Absolutely.

11 Q What's the basis of that review?

12 MR. WAREHAM: Well, let me just, if it calls
13 for legal opinion, then he can't really offer that.

14 MR. MARKS: If it calls for a legal
15 conclusion, fine, but if it doesn't, then you can
16 answer.

17 MR. WAREHAM: You can answer.

18 THE WITNESS: If it calls for a legal
19 conclusion...

20 I'm an elected official, that's been elected
21 by the people of any district and we are allocated a
22 certain amount of money to hire staff and to open up
23 our offices in our district.

24 I'm the one who hires my staff. I fill out
25 all the forms.

1 The process of hiring our staff you simply
2 just put it through the process and they check it to
3 make sure that everything is proper, and we hire our
4 staff.

5 You know, the Speaker doesn't sign anything
6 for our staff. She doesn't hire our staff, we do.

7 And I see -- I hired Ms. Plummer and I'm the
8 only one that can fire Ms. Plummer. There is no
9 basis, anyway, for the Speaker to do that.

10 BY MR. MARKS:

11 Q The paperwork that you or your service submits in
12 connection with hiring a member of your staff, does that go
13 through the Administrative Services Division of the City
14 Council?

15 A Yes.

16 Q Is that Administrative Services Division under the
17 jurisdiction of the Speaker?

18 A Administrative Services?

19 Q Yes.

20 A Yes.

21 Q To your knowledge...

22 MR. MARKS: And if it calls for a legal
23 conclusion, you can object.

24 Q Does the City Charter specifically provide that
25 individual council members may hire members of their staff?

1 A I've never read the City Charter. I don't know.

2 Q I'm going to ask you some questions about, there was
3 a Stated Meeting at the City Council on May 30, 2007 and I
4 assume you recall that meeting?

5 A Vaguely.

6 Q If you want to answer just so the record -- I mean.

7 MR. MARK: Off the record.

8 (Whereupon, an off-the-record discussion was
9 held.)

10 BY MR. MARKS:

11 A Yes, I recall that.

12 Q So I'm going to ask you some questions about that
13 meeting, and forgive me for some of the questions, the
14 answers may be obvious.

15 Did you attend the May 30, 2007, Stated Meeting?

16 A Yes.

17 Q You have a desk or a position in the Council
18 Chamber?

19 A Yes.

20 Q If one is in the Council Chamber facing the
21 presiding officer, let's say, where is your desk?

22 A I would be in the first row, far to the left near
23 the statue. The first seat in the first row near the
24 Thomas Jefferson statue.

25 Q Was Viola Plummer also at that meeting?

1 A Yes.

2 Q Since she has served as your Chief of Staff, does
3 Ms. Plummer usually attend Stated Meetings?

4 A Yes.

5 Q And does she have any particular duties at a Stated
6 Meeting?

7 A Just, you know, she stays in touch with me. She
8 makes sure I'm on top of all of the votes that are coming
9 up in the legislation, and usually at Stated Meetings, we
10 just say "I" on all for the stuff that we've done in the
11 committee meetings.

12 So she just lets me know which one that I voted for
13 and against, and just keeps me abreast of what's on the
14 agenda for the meeting.

15 Q Were these the type of duties she had at the May
16 30th Stated Meeting?

17 A That's what she does at every meeting.

18 Q Was one of the matters that was the subject of the
19 Stated Meeting, on May 30, 2007, the issue or the co-naming
20 of four blocks of Gates Avenue in Brooklyn after Sonny
21 Carson?

22 A Yes.

23 Q Where was Ms. Plummer situated in relation to where
24 you were sitting at the May 30th Stated Meeting?

25 A She usually sits, and she was at that time, I

1 believe, if you're facing the public advocate and I'm to
2 the far left in that seat, she is usually right behind me,
3 further to the left, with the seats outside of the chains
4 or whatever they have holding people off. She is usually
5 in the first few seats. One of those seats behind me.

6 Q Approximately what is the distance between where
7 you're situated -- you were situated and where Ms. Plummer
8 was situated at the May 30th Stated Meeting?

9 A Ten, 15 feet, maybe.

10 Q Did Ms. Plummer yell at any time during the May 30,
11 2007 Stated Meeting?

12 A I didn't hear her yell.

13 Q Did Ms. Plummer shout during the May 30, 2007 Stated
14 Meeting?

15 A I didn't hear her shout.

16 Q Did Ms. Plummer speak -- strike that.

17 Did you hear Ms. Plummer say anything during the
18 2007 --

19 A No.

20 Q Let me get the whole question.

21 -- during the May 30, 2007 Stated Meeting?

22 A No, I didn't.

23 Q Just so it's clear for the record, did you ever hear
24 Ms. Plummer yell or shout while Speaker Quinn was speaking?

25 A No.

1 Q Did you ever hear Ms. Plummer yell or shout while
2 Council Member Nelson was speaking?

3 A No.

4 Q Did you hear Ms. Plummer yell or shout while Council
5 Member de Blasio was speaking?

6 A No.

7 Q Did you ever hear Ms. Plummer yell or shout while
8 Council Member Koppell was speaking?

9 A No.

10 Q During the meeting, did you have any opportunity to
11 -- strike that.

12 Ms. Plummer was sitting behind you; is that correct?

13 A Not directly behind me. She's more to my left in
14 the seats that are outside of ours. So she's not directly
15 behind me, but she's in the first few seats over there and
16 then I usually focus on the meeting.

17 Q During this Stated Meeting on May 30, 2007, did you
18 observe Ms. Plummer at all?

19 A No. Actually, I was in my own element at that
20 meeting and I had, you know, my -- I was very, very upset
21 about what was going on. So I wasn't focusing on
22 Ms. Plummer.

23 There was a lot of noise from the balcony because it
24 was a lot of shouting. So I wasn't able to distinguish who
25 was shouting and whose shouts they were and all of that.

1 So it was very, you know, the meeting was, you know,
2 it was a lot of shouting from the balcony, so I wasn't
3 paying attention to Ms. Plummer.

4 Q During the Stated Meeting on May 30, 2007, did you
5 ever hear the public advocate, Betsy Gotbaum, request that
6 persons in the Council Chamber be quiet while members of
7 the council were speaking?

8 A Yes.

9 Q Did you ever hear Ms. Gotbaum state to someone that,
10 "I'm going to have you removed"?

11 A No.

12 Q Did Ms. Plummer ever tell you that she had yelled or
13 shouted during the May 30th Stated Meeting?

14 A No, we didn't talk about that.

15 Q Did Ms. Plummer ever tell you that she had yelled
16 during the May 30, 2007 Stated Meeting?

17 A No, we didn't talk about that.

18 Q Has anyone ever, any member of the City Council or
19 employee of the City Council, ever told you that
20 Ms. Plummer yelled during the May 30, 2007 Stated Meeting?

21 A No. The only thing I heard about it was in the
22 media.

23 Q Did you ever ask Ms. Plummer whether she had yelled
24 during the May 30, 2007 Stated Meeting?

25 A We didn't have a discussion on that. It was a

1 contentious meeting. I didn't say, "Did you yell?" Or
2 "Did you call anybody names?" We didn't have any
3 discussions on that.

4 Q Are you aware of any statements that Ms. Plummer
5 made about Council Member Leroy Comrie, C-O-M-R-I-E,
6 outside City Hall on May 30, 2007?

7 A I'm away of alleged statements from the media. I
8 didn't hear them.

9 Q So we will get into the substance or alleged
10 substance of the statements in a second, but were you
11 present when Ms. Plummer made any statements about Council
12 Member Leroy Comrie outside City Hall on May 30, 2007?

13 A No.

14 Q When did you first learn that Ms. Plummer had made
15 comments about Council Member Comrie?

16 A I think -- I don't know whether it was that night or
17 the next day, I heard it through the media that there was
18 some statements made, but it was shortly after the meeting,
19 either later on, on NY1 or one of the stations, or the next
20 day.

21 Q Did you ever discuss with Ms. Plummer what
22 statements she made about Council Member Comrie outside
23 City Hall on May 30, 2007?

24 A No, we didn't have any deep discussions about it.
25 The only thing I remember her saying is that she was

1 talking about his political career.

2 When I heard it in the media, she was talking about
3 his political career and that was enough for me, and we
4 didn't have any more discussions about it. We never got
5 into it much more than that.

6 Q So just to make sure, did she ever tell you what she
7 said about Council Member Comrie on that day?

8 A No. It was more like I heard it in the media and
9 she basically said she was talking about his political
10 career. That was it.

11 We didn't discuss. You know, what she said
12 verbatim or nothing like that, and I accepted that and that
13 was good enough for me.

14 Q Did Ms. Plummer ever tell you that she had used the
15 word, either "assassinate" or "assassination" in reference
16 to Council Member Comrie on May 30, 2007?

17 A No. The only thing she said is, "I was talking
18 about his political career" when they allegedly said she
19 used that had term.

20 We never had any deep discussions about it other
21 than what I just said.

22 Q You're aware that on July 23, 2003 Council Member
23 James Davis was shot and killed in the Council Chamber?

24 A Yes.

25 Q You were present on that day?

1 A Yes, I was present.

2 Q Did there come a time within a few days after May
3 30, 2007, that you or members of your office were the
4 subject of death threats?

5 A I believe so.

6 Q Do you know the source of those threats?

7 A I get so many death threats I have to find out who
8 the source is.

9 I know one was NYPD Rant on some website, NYPD
10 Rant. And I usually get letters or phone calls. It's just
11 a way of life.

12 Q And with respect to those death threats, did you do
13 anything -- did you, for example, do you contact either --

14 A Routine.

15 Q I'm sorry. Do you contact the New York City Police
16 Department or the City Hall Head of Security, Carl D'Alba?

17 A I figured it was very awkward for me to tell the
18 police to protect me from the police that are threatening
19 me. So I don't usually call the Police Department because
20 sometimes they are the ones, the threats are coming from
21 their website. But I believe I reported it to Chuck and
22 then he told Carl.

23 Q Chuck is Chuck Mera, M-E-R-A?

24 A Yes, Chief Head of Staff.

25 MR. WAREHAM: M-E-A-R-E.

1 MR. MARKS: Could you mark this, please?

2 (Whereupon, the aforementioned article was
3 marked as Defendants' Exhibit F for identification as
4 of this date by the Reporter.)

5 BY MR. MARKS:

6 Q Council Member Barron, I'm going to show you what's
7 been marked as Defendants' Exhibit F, which was also
8 previously marked in another deposition in this case, but
9 I'm just going to ask you just a couple questions about it,
10 but...

11 (Witness perusing the document.)

12 Q Have you seen Defendants' Exhibit F before?

13 A Yes.

14 Q I guess we can say it's a flier that on top says
15 "Sonny Carson is where he belongs" and has a photo and some
16 other language on it.

17 Were copies of this flier, Defendants' Exhibit F,
18 posted on your District Office?

19 A Yes.

20 Q Was that within a few days of the May 30, 2007
21 Stated Meeting?

22 A I think it was. May have been a few days after,
23 maybe in a week or so.

24 Q After these fliers were posted on your offices did
25 you take any action?

1 A Yes. My staff informed City Hall Security and then,
2 I think they called the Police Department and the police
3 came out and investigated.

4 Q Did either the Police Department or City Hall
5 Security offer any security to your -- offer to, let's say,
6 post an officer at your District Office?

7 A Yes.

8 Q And did you accept that offer?

9 A I said, "It wasn't necessary." You know, they did
10 it anyway. You know, they had an officer there and they
11 offered so many other things, cameras and a buzzer and all
12 of that stuff, and I said, "It's not necessary."

13 Q On or about June 1, 2007, did you ever say, in
14 reference to Ms. Plummer, that "I'm so proud of her I might
15 give her a raise"?

16 A Absolutely.

17 Q As of June 1, 2007, what had Ms. Plummer done, if
18 anything, that made you so proud of her you said you would
19 consider giving her a raise?

20 A Prior to all of this she was going to get a raise.

21 Q Prior to May 30, 2007?

22 A Right. Prior to May 30th, prior to all of the
23 incidents that occurred, she was slated to get a raise, as
24 a matter of fact, for the work she had done for the year
25 restructuring the offices, providing the leadership in our

1 community, being of great assistance for me at City Hall
2 and being good counsel to me.

3 And I had put in, as a matter of fact, for her to
4 get a one-time payment raise which the Speaker's office
5 stopped, and it had nothing to do with this.

6 They claimed that it came too late, but it wasn't
7 too late for the rest of my staff. You know, at the end of
8 the year if you don't spend all your money in the budget,
9 you can give your staff a one-time payment as a bonus if
10 they have done good work, or you can shift it to other
11 things, and that's what I intended do for Ms. Plummer, and
12 the Speaker's office blocked that.

13 And so I was planning on giving her a raise for the
14 great work she had done in our community and my office long
15 before all of this happened. It had nothing to do with
16 this.

17 Q "This" is the May 30th?

18 A The May 30th incident. All this stuff around Sonny
19 Carson's street naming and our responses, it had absolutely
20 nothing do with that.

21 Q What was the amount of the one-time payment --

22 A I believe it was \$4,000.

23 Q I meant the one-time payment you were planning on
24 giving Ms. Plummer?

25 A Right.

1 Q Do you have believe one way or the other that
2 Speaker Quinn suspended and fired Ms. Plummer because
3 Ms. Plummer is African-American?

4 A I believe it was a racist move, yes. I don't think
5 she would have done it to a white woman.

6 Q What's the basis of your belief that it was a racist
7 move by Speaker Quinn?

8 A I think the move was racist to take one black
9 person's name out of a group of 50-some-odd names, only the
10 black person's name comes out. I think that racist.

11 Q You're referring to Sonny Carson?

12 A Sonny Carson's name being taken out, defying an
13 entire black community, the Planning Board voted 39 to 1 to
14 have it stay in.

15 The local Councilman, Al Vann, said yes.

16 The Chairperson of the Parks Committee, a black
17 woman, Helen Diane Foster, councilwoman said yes.

18 Three whites on the committee, I believe, I don't
19 know, I believe were influenced by the Speaker to put in
20 the amendment to take Sonny Carson's name out of a group of
21 52, because, you know, we used to vote on all of the names
22 separately when Gifford Miller was Speaker. Then we moved
23 to do it twice a year, so they didn't think all we did was
24 pass street names changes and that was in the two groups.

25 Never before in the history of the City Council has

1 any name ever been taken out regardless of what any council
2 members felt about those individuals.

3 Like Al Jolson, that the Speaker offered, who
4 mimicked us, some people tried to sanitize his history and
5 say he wasn't racist, but that's what he did at the time,
6 but everybody didn't do it at the time. We passed that.
7 We left it in.

8 All of us know this is a process and we voted for
9 that, but when it came to Sonny Carson and the black
10 community, I firmly believe the Speaker did this to play a
11 political card to the white conservative community of New
12 York City.

13 It was racist, and then when we reacted assertively,
14 she continued that racism. She's divided us more than
15 we've ever been divided, more than Sonny Carson could have
16 ever divided the community if he had two life times.

17 Twenty-four whites united with the Speaker. Three
18 whites united to get the name out. So I think it was
19 extremely racist, and I think the firing of Viola Plummer
20 was racist, and the taking of Sonny Carson's name was
21 racist, yes.

22 Q I understand your views on the Sonny Carson matter
23 but...

24 A You probably don't, but we will accept that for the
25 record, you've heard them before.

1 Q I've listened to them.

2 What about the -- if you can separate the two, what
3 about the firing, the suspension and firing of Ms. Plummer
4 as opposed to the street renaming issue regarding Sonny
5 Carson, do you believe was racist?

6 A There is no oppose. It's all one. There is no
7 separation of the two. It's all connected. It's all
8 racist.

9 It would not have happened if it was a white woman
10 who I had as Chief of Staff, who took the same exact
11 position of Ms. Plummer, she would not have been fired.

12 They have never -- it has never been done before in
13 the history of the City Council, and I don't think it will
14 happen again, you know, after we win in court here, but I
15 think that it was racist and it's connected. You cannot
16 separate it.

17 Q To your knowledge, were any other staff members of
18 the City Council members that supported the Sonny Carson
19 street renaming African-American?

20 A Were any other staff members?

21 Q For example, Councilman Vann proposed the amendment
22 that would...

23 A I don't know what the position of his staff was.

24 Q Do you know whether any of his staff members are
25 African-American?

1 A Yes.

2 Q And do you know whether any of the staff members of
3 other City Council members who supported the street
4 renaming for Sonny Carson are African-American?

5 A Yes.

6 Q Have you ever spoken with any member of the City
7 Council's black, Latino, and Asian Caucus about the
8 suspension and firing of Ms. Plummer?

9 A I never called up anybody and spoke to them about
10 it. I may have said things in general, you know, at
11 meetings. I may have said something at the subsequent
12 meetings, saying that "Y'all shouldn't let this happen."
13 You know, "That it can happen to any one of you next."

14 I think I may have said that at a Stated Meeting or
15 the time when she called the police on us and had us -- we
16 voluntarily left the chambers when she lied and said that
17 only staff members are supposed to be in the chambers.

18 Q That's not a claim in this case?

19 A Well, you're asking me when I said it. I said it at
20 that meeting. I just wanted to give you a description of
21 the meeting I said it at.

22 Q So did you have any either one-on-one or one-on-two
23 or individual conversations with any members of the Black,
24 Latino, and Asian Caucus about the suspension and firing of
25 Ms. Plummer?

1 A When I was in the parking lot I think I said to
2 Jackson, that "No matter what you feel about Viola Plummer
3 and I, or what was said, or what we believe in, or what our
4 politics are, this is fundamentally wrong. She does not
5 have the right to do this."

6 I said that to Jackson, Council Member Robert
7 Jackson in passing conversation in the parking lot.

8 And he said, "Well, I'm going to look into that. I
9 don't know all the rules" or "I'll look into that and get
10 back to you."

11 So Jackson, I think I said that to, that was in the
12 parking lot.

13 Q Have you spoken with any member of the City Council
14 who's in the black, Latino, and Asian Caucus other than
15 Mr. Jackson about the suspension and firing of Ms. Plummer?

16 A I could have, but I don't recall at this time.

17 Q Did Mr. Jackson ever get back to you?

18 A No, and I didn't expect he would.

19 Q I'm going to show you a copy, what's been previously
20 marked as Defendants' Exhibit B, I guess in the deposition
21 of Ms. Plummer. Which is a copy of a June 28, 2007 letter
22 to Ms. Plummer from Charles Meare, Chief of Staff.

23 At one point, did you have the original of this
24 June 28, 2007 letter in your possession?

25 A Yes.

1 Q Did you rip up the original of the June -- of this
2 letter?

3 A Yes.

4 Q Where did you rip -- was that at a press conference
5 that you ripped it up?

6 A Yes.

7 Q Why did you rip it up?

8 A Well, to that point, Chuck Meare called me up about
9 this letter and I was very, very upset because I'm being
10 profoundly disrespected, that Chuck nor Speaker Quinn, they
11 never called me in about anything about Ms. Plummer's
12 behavior, any words she's ever said.

13 And the Speaker, I think, told another untruth by
14 saying that it was no need to talk to me. You know, I had
15 a position already. She never called me in to talk to me
16 about Ms. Plumber's behavior. She never called me in to
17 talk about any words that Ms. Plummer uttered.

18 And I told Chuck -- I called Chuck up and I said to
19 him, you know, when this stuff was first brewing, I said,
20 "Chuck, I'm hearing things in the media that I'm under
21 investigation about, you know, Ms. Plummer, is that true?"

22 He said, "No, you're not under investigation. We're
23 just looking at options."

24 And I said, "Options about what? Is it something
25 about Ms. Plummer or anything?"

1 And he said, "No, we're just looking at options.
2 You're not under investigation."

3 Then I hear some more stuff in the media, and I'll
4 get to this, and I hear some more stuff in the media.
5 Still no call from Chuck. No call from Christine about a
6 complaint, about anything. So I'm thinking nothing is
7 wrong because they're not saying anything.

8 All of a sudden I get a call from Chuck to tell me
9 he sent a letter to my Chief of Staff saying she was
10 suspended, and I was outraged that he would do something
11 like that.

12 Now he communicated to me to tell me that he sent
13 this letter, and I said, "Chuck, you don't have a right to
14 do that. You don't even have the jurisdiction to do that.
15 And if we wanted to resolve this, you could have just
16 called me in and let's talk about it, but you chose not to
17 talk to me. Now you're calling me to tell me that you're
18 suspending my Chief of Staff."

19 And that's why I was angry and outraged and ripped
20 it up. It was disrespectful, and it was overreaching their
21 authority.

22 Q Let me just direct your attention, just to the
23 second sentence of the June 28th letter.

24 MR. WAREHAM: Which paragraph?

25 MR. MARKS: The first paragraph, second

1 sentence.

2 BY MR. MARKS:

3 Q It says -- it makes a reference, it says: "As a
4 result of your disruptive actions at the Council's Stated
5 Meeting on May 30, 2007, and the threatening statements you
6 made later that day regarding Council Member Leroy Comrie,
7 you are suspended, without pay, from employment at the
8 Council for a period of six weeks from June 29, 2007
9 through August 10, 2007."

10 In your view did Ms. Plummer engage in any
11 disruptive actions at the May 30, 2007 Stated Meeting?

12 A In my review the Speaker nor Chuck ever approached
13 me or Betsy Gotbaum, the public advocate who convened the
14 meeting, or Carl, the security person, none of them
15 approached me about any behavior of Ms. Plummer at the
16 Stated Meeting.

17 And as I told you earlier, I didn't hear Ms. Plummer
18 say anything. I didn't see her do anything at that Stated
19 Meeting.

20 Betty Gotbaum, the Public Advocate said, "Quiet,
21 please." Two or three times and the meeting went on,
22 business as usual.

23 So I didn't see any big-time disruption from
24 Ms. Plummer at that Stated Meeting.

25 I felt that all of this was blown out of proportion

1 and the Speaker was overstepping her boundaries, and for
2 the reasons being, I think, it was political, as I said
3 before. That she's appealing to the white voters, and her
4 ambition to become mayor, and it had nothing to do with
5 this stuff here at the meeting.

6 We've had Council members who are far more
7 disruptive than anything Ms. Plummer is being accused of
8 and we've gotten through Stated Meetings.

9 So I just think it was all bogus. It was all
10 something that they put a lot of stock into for other
11 reasons than some major disruption at the meeting.

12 Q Have you heard, what the Speaker has stated, what
13 Ms. Plummer, the disruptive actions were at the May 30,
14 2007 Stated Meeting?

15 A Have I heard?

16 Q Yes.

17 A Through the media. The Speaker never told me that.
18 Chuck never told me that. They never communicated that to
19 me.

20 I heard about how the Speaker was feeling through
21 the media. So we responded back. I was responding back
22 through the media since they didn't want to talk to me
23 one-on-one.

24 Q Did you ever speak with Chuck Meare about what these
25 disruptive actions were?

1 A No, he has never spoken to me about it.

2 To this day, the Speaker nor Chuck has ever sat me
3 down, out of respect for my position, and said, "We have
4 some concerns about your Chief of Staff." These things
5 that she said and these words, words that she uttered and
6 the behavior that she displayed.

7 To this date, that has never happened.

8 Q Did you ever call either the Speaker or Chuck Meare
9 to discuss --

10 A Twice. Chuck said, "No, you're not under
11 investigation. There is nothing to talk about. We're just
12 exploring options."

13 And I said, "Options about what? Let's talk about
14 the options to do what? About what? Nothing?"

15 Q I'd like to show you a copy of what has been
16 previously marked as Defendants' Exhibit C.

17 (Witness perusing the document.)

18 Q Which is a letter to Ms. Plummer, dated July 5,
19 2007, from Charles Meare, Chief of Staff, and did you at
20 one point have the original of the July 5, 2007 letter in
21 your possession?

22 A I believe so.

23 Q Did you rip up the July 5, 2007 letter?

24 A No. I think we were in front of the court that day.
25 I don't believe so.

1 Q Do you know where the original of the July 5, 2007
2 letter is?

3 A No. And let me retract that because I may have had
4 a copy of it. I don't know if I had the original.

5 Q I'm going to ask you some questions about some time
6 period before May 30, 2007.

7 To your knowledge, did Ms. Plummer attend, to your
8 knowledge, any hearings that were conducted by, jointly by
9 the City Council's Committee on Public Safety and Civil
10 Rights?

11 A I think one.

12 Q Is Council Member Vallone the Chair of the Public
13 Safety Committee?

14 A Yes.

15 Q Is Council Member Seabrook the Chair of the Civil
16 Rights committee?

17 A Yes.

18 Q Did anyone ever speak to you about any of
19 Ms. Plummer's behavior at any of the hearings conducted
20 jointly by the City Council Committee on Civil Rights and
21 Public Safety?

22 A No.

23 Q Since May 30th -- since the termination of
24 Ms. Plummer on July 6, 2007, have you hired another person
25 to serve as your Chief of Staff?

1 A No.

2 Q Since the termination of Ms. Plummer on July 6,
3 2007, has anyone in your office or if there is more than
4 one, taken over any of the duties of the Chief of Staff?

5 A No.

6 MR. MARKS: Can we just take a short break?

7 (Whereupon, a short recess was taken.)

8 (Time noted: 11:12 a.m.)

9 MR. MARKS: Back on the record.

10 (Time noted: 11:16 a.m.)

11 BY MR. MARKS:

12 Q I believe, and correct me if I'm wrong, you stated
13 that you had, was it two conversations with Chuck Meare or
14 one, which you asked when you heard you were being
15 investigated?

16 A Right.

17 Q What was the other conversation you had with Chuck?

18 A Both were in response to media reports. I don't
19 remember the day, but I know some of the media came up to
20 me, because after Christine Quinn would have her press
21 conferences, she would evidently say something to them and
22 they would come to me and say, "Did you know that Christine
23 Quinn is thinking about doing something with your Chief of
24 Staff?"

25 I said, "I don't know anything about that."

1 And I've approached Chuck twice on that. I called
2 him twice and said that, "I understand that from the media
3 that you're investigating us."

4 And he said, "No, you're not under investigation.
5 We're just exploring our options."

6 And I said, "Options to do what? About what?"

7 And he never gave me any information, twice.

8 Q And that was the substance of both of those
9 conversations with Chuck?

10 A Right.

11 Q Did you ever call Speaker Quinn directly and ask to
12 speak with her?

13 A No. I always deal with Chuck, the Chief of Staff.
14 I don't call Speaker Quinn, hardly ever, to ask for her
15 directly, because I know, as a leader, that you're very
16 busy. You're running around.

17 The reason why you have a Chief of Staff is so that
18 -- and plus I get more things done quicker when you call
19 the Chief of Staff than trying to talk to the Speaker.

20 She might forget what you're saying, so I always
21 call Chuck and say, "Chuck, you know, tell Quinn I need to
22 do this or do that" or "Chuck, I want to talk to you about
23 this."

24 So I've always communicated to Chuck. I hardly ever
25 called Speaker Quinn for anything.

1 Q Now, if you can answer this, it's somewhat of a
2 hypothetical, but Mr. Wareham can object if he wants.

3 If you had the opportunity to speak with Speaker
4 Quinn about Ms. Plummer, specifically the May 30th --
5 strike that.

6 Had an opportunity to speak with Speaker Quinn
7 about Ms. Plummer and her suspension, termination of
8 Ms. Plummer, what would you have said?

9 MR. WAREHAM: That one I object to because it
10 just calls for pure speculation.

11 So I would instruct him not to answer that.

12 MR. MARKS: I have no more.

13 MR. WAREHAM: I do.

14

15

16 (Continued on next page to include jurat.)

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21 EXAMINATION BY

22 MR. WAREHAM:

23 Q Mr. Marks asked you about hearings, in the plural,
24 that Ms. Plummer attended, committee meetings Ms. Plummer
25 had attended.

1 Are you aware of any other hearing, committee
2 meeting, hearings that Ms. Plummer attended aside from the
3 one that you mentioned before with Council Member Vallone?

4 A Absolutely not. She attended one hearing, when I
5 said hearings, that's incorrect. She attended one hearing.

6 MR. WAREHAM: Nothing else.

7 MR. MARKS: I have no further questions.

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9 (Whereupon, at 11:19 a.m., the Examination of
10 this Witness was concluded.)
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CHARLES BARRON

Subscribed and sworn to before me
this ____ day of _____, 2007.

NOTARY PUBLIC

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1 EXHIBITS

2 DEFENDANTS' EXHIBITS:

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4 EXHIBIT EXHIBIT PAGE

5 LETTER DESCRIPTION

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3 MR. MARKS 4

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INFORMATION AND/OR DOCUMENTS REQUESTED

7 INFORMATION AND/OR DOCUMENTS PAGE

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13 PAGE QUESTIONS MARKED FOR RULINGS
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1 CERTIFICATE


2 STATE OF NEW YORK)
3 : SS.:
4 COUNTY OF NEW YORK)

5 I, SHAWN McCLINE, a Notary Public for and within the
6 State of New York, do hereby certify:

7 That the witness whose examination is hereinbefore set
8 forth was duly sworn and that such examination is a true record of
9 the testimony given by that witness.

10 I further certify that I am not related to any of the
11 parties to this action by blood or by marriage and that I am in no
12 way interested in the outcome of this matter.

13 IN WITNESS WHEREOF, I have hereunto set my hand this 20th
14 day of August, 2007.

15
16 
17 SHAWN McCLINE
18 Registration #01MC6000688
19 Commission Expires 8/24/10
20
21
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<p>#</p> <p># [2] 1:5 2:10 #01mc6000688 [1] 40:17</p> <p>\$</p> <p>\$4,000 [1] 22:22</p> <p>0</p> <p>07le021010 [1] 2:10</p> <p>1</p> <p>1 [3] 21:13, 17 23:13 10 [1] 30:9 10:28 [1] 1:10 100 [1] 1:15 10007 [1] 4:9 10007-2601 [2] 1:16 2:9 11:12 [1] 34:8 11:16 [1] 34:10 11:19 [1] 37:9 15 [1] 14:9</p>	<p>6154 [1] 1:7</p> <p>A</p> <p>a.m [1] 1:10 34:8, 10 37:9 ability [1] 6:5 able [1] 15:24 abreast [1] 13:13 absolutely [4] 10:10 21:16 22:19 37:4 accept [2] 21:8 24:24 accepted [1] 18:12 accurately [1] 6:5 accused [1] 31:7 action [8] 4:19, 23, 25 6:17 20:25 40:11 actions [4] 30:4, 11 31:13, 25 actually [1] 15:19 addition [1] 9:13 address [2] 4:7 5:3 administrative [3] 11:13, 16, 18 advocate [4] 14:1 16:5 30:13, 20 affect [1] 6:4 aforementioned [1] 20:2 african-american [4] 23:3 25:19, 25 26:4 agenda [1] 13:14 agreed [3] 3:4, 9, 13 al [2] 23:15 24:3 allegations [1] 4:24 alleged [2] 17:7, 9 allegedly [1] 18:18 allocated [1] 10:21 already [2] 8:5 28:15 ambition [1] 31:4 amendment [2] 23:20 25:21 amount [2] 10:22 22:21 and/or [1] 39:7 angry [1] 29:19 another [3] 20:8 28:13 33:24 answer [6] 6:5 10:16, 17 12:6 36:1, 11 answered [1] 8:5 answers [4] 4:22 5:14, 19 12:14 anybody [2] 17:2 26:9 anyway [2] 11:9 21:10 appealing [1] 31:3 approached [3] 30:12, 15 35:1 approximately [1] 14:6 around [3] 7:17 22:18 35:16 article [1] 20:2 asian [3] 26:7, 24 27:14 aside [1] 37:2 assassinate [1] 18:15 assassination [1] 18:15 assertively [1] 24:13 assign [1] 8:6 assistance [1] 22:1 assistant [2] 2:14 4:14 assume [1] 12:4 attempt [1] 5:16 attend [3] 12:15 13:3 33:7 attended [5] 36:24, 25 37:2, 4, 5 attention [2] 16:3 29:22</p>	<p>attorney [1] 2:8 august [3] 1:9 30:9 40:14 authority [3] 10:5, 8 29:21 avenue [2] 2:4 13:20 aware [3] 17:4 18:22 37:1 away [1] 17:7 awkward [1] 19:17</p> <p>B</p> <p>back [6] 6:20 27:10, 17 31:21, 21 34:9 balcony [2] 15:23 16:2 barron [8] 1:13 4:6, 12 5:3, 4, 5, 5 20:6 basic [1] 5:12 basically [1] 18:9 basis [3] 10:11 11:9 23:6 become [1] 31:4 behavior [5] 28:12, 16 30:15 32:6 33:19 behind [5] 14:2, 5 15:12, 13, 15 belief [1] 23:6 believe [14] 14:1 19:5, 21 22:22 23:1, 4, 18, 19 24:10 25:5 27:3 32:22, 25 34:12 bell [1] 7:3 belongs [1] 20:15 betsy [2] 16:5 30:13 better [3] 7:22 8:4, 12 betty [1] 30:20 between [3] 3:5 9:9 14:6 beyond [1] 8:20 big-time [1] 30:23 black [8] 23:8, 10, 13, 16 24:9 26:7, 23 27:14 blasio [1] 15:5 blocked [1] 22:12 blocks [1] 13:20 blood [1] 40:11 blown [1] 30:25 board [1] 23:13 bogus [1] 31:9 bonus [1] 22:9 both [2] 34:18 35:8 boundaries [1] 31:1 break [4] 5:23, 24 6:1 34:6 brewing [1] 28:19 broadway [2] 4:9 9:23 brooklyn [1] 13:20 brought [1] 8:24 budget [1] 22:8 business [2] 4:7 30:22 busy [1] 35:16 buzzer [1] 21:11</p>	<p>19:10 36:10 came [5] 9:8 21:3 22:6 24:9 34:19 cameras [1] 21:11 cannot [1] 25:15 capacity [1] 9:11 card [1] 24:11 cardozo [2] 1:14 2:7 career [4] 18:1, 3, 10, 18 carl [3] 19:16, 22 30:14 carson [9] 13:21 20:15 23:11 24:9, 15, 22 25:5, 18 26:4 carson's [4] 22:19 23:12, 20 24:20 case [3] 10:3 20:8 26:18 caucus [3] 26:7, 24 27:14 certain [1] 10:22 certification [1] 3:6 certify [2] 40:6, 10 chains [1] 14:3 chair [2] 33:12, 15 chairperson [1] 23:16 chamber [4] 12:18, 20 16:6 18:23 chambers [2] 26:16, 17 changes [1] 23:24 charles [4] 1:12 4:6 27:22 32:19 charter [2] 11:24 12:1 check [1] 11:2 chief [24] 6:22, 24 7:6, 10 8:6 9:2, 9, 10, 11, 13 13:2 19:24 25:10 27:22 29:9, 18 32:4, 19 33:25 34:4, 23 35:13, 17, 19 chose [1] 29:16 christine [4] 4:20 29:5 34:20, 22 chuck [28] 19:21, 23, 23 28:8, 10, 18, 18, 20 29:5, 8, 13 30:12 31:18, 24 32:2, 8, 10 34:13, 17 35:1, 9, 13, 21, 21, 22, 24 church [1] 1:15 city [37] 1:15 4:15, 20 6:7 7:22, 23 8:24 9:1, 18, 25 10:4, 5, 7, 9 11:13, 24 12:1, 3 16:18, 19 17:6, 12, 23 19:15, 16 21:1, 4 22:1 23:25 24:12 25:13, 18 26:3, 6 27:13 33:9, 20 civil [3] 33:9, 15, 20 claim [1] 26:18 claimed [1] 22:6 clear [1] 14:23 co-naming [1] 13:19 colleagues [1] 4:16 come [4] 6:21 7:19 19:2 34:22 comes [1] 23:10 coming [2] 13:8 19:20 comments [1] 17:15 committee [9] 13:11 23:16, 18 33:9, 13, 16, 20 36:24 37:1 communicated [3] 29:12 31:18 35:24 community [11] 7:12, 18 8:13, 13, 20 22:1, 14 23:13 24:10, 11, 16 complaint [2] 4:25 29:6</p>
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 6

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1 STATE OF NEW YORK)

2 ss:

3 COUNTY OF)

4

5 I wish to make the following changes, for
6 the following reason:

7

8 PAGE LINE

9 _____ CHANGE _____

10 _____ REASON _____

11 _____ CHANGE _____

12 _____ REASON _____

13 _____ CHANGE _____

14 _____ REASON _____

15 _____ CHANGE _____

16 _____ REASON _____

17 _____ CHANGE _____

18 _____ REASON _____

19 _____ CHANGE _____

20 _____ REASON _____

21

(WITNESS)

22

23 Subscribed and sworn to before me

24 this _____ day of _____, 200__.

25

(NOTARY PUBLIC)